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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,985	01/12/2007	Alan H. Lettington	06007/42226	9863
4743 7590 03/18/2008 MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER GREGORY, BERNARR E	
			ART UNIT 3662	PAPER NUMBER
			MAIL DATE 03/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,985

Applicant(s)

LETTINGTON ET AL.

Examiner

Bernarr E. Gregory

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date 10/2/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

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1. The Specification is hereby objected to under 37 CFR 1.77(b) and (c) for the lack of the required sectional headings. Correction is hereby **required**.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 1 is rejected as being indefinite and unclear due to the use of two phrases starting with the abbreviation "i.e." in that it is not clear in context if or how these phrases modify the terms "cold source" and "hot source." The same problem occurs with the use of a phrase starting with the abbreviation "i.e." in independent claim 3.

In independent claim 1 and dependent claim 2, the language indicating that an "image or shadow" is directed on the object to be imaged is indefinite and unclear in that the disclosure does not make an image that is projected and in that it is not clear how something would be illuminated by the projection of a shadow. The same problem with the direction of an "image or shadow" also occurs in independent claim 3 and dependent claims 4, 5, and 7.

Claims 6, 7, 17, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or

excluded by the claim language. This claim is an omnibus type claim.

Please see MPEP 2173.05(r).

On lines 4-5 of independent claim 8, the phrase "disposed laterally with respect of the line of sight between the object and the imaging device" is unclear in context.

On line 6 of independent claim 8, the phrase "corresponding to or close to" is indefinite and unclear in context.

On line 8 of claim 8, the phrase "substantially along" is indefinite and unclear in context. What degree of deviation of movement from a path is "substantially along" a path without being "along" that path?

The uses of "such radiation" in independent claim 13 are indefinite and unclear in context as to antecedent.

On lines 4-6 of independent claim 13, the phrase "directing such radiation from the radiation source towards said object area along a path corresponding to the line of sight of the imaging device" is indefinite and unclear in context.

In claims 1-5 and 7, the uses of "cold source" and "hot source" are indefinite and unclear in context in that there is no reference with respect to which a "source" may be judged to be "cold" or "hot."

Dependent claims 2, 4-5, 7, 9-12, 17, 14-16, and 19 are unclear at least in that they depend from unclear independent claims 1, 3, 8, and 13.

4. Claims 12 and 16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim may refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

In claims 12 and 16, please note that the uses of the word "any" in the statements of dependency are potentially plural. In claim 12, "any of Claims 8 to 11" could be re-written as "any one of claims 8 to 11."

5. Claims 1-18 are so unclear that it is not possible to indicate allowable subject matter at this time. Sinclair et al ('224) appears to raise questions of patentability of these claims insofar as they may be understood.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The examiner-cited prior art herewith is of general interest for showing the state of the related prior art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (571) 272-6972. The examiner can normally be reached on weekdays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (571) 272-6979.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Bernarr E. Gregory/
Primary Examiner, Art Unit 3662